

**TOWN OF SOUTHEAST
PLANNING BOARD MINUTES
April 8, 2019**

Present: Chairman Thomas LaPerch; Vice Chairman David Rush; Boardmembers Dan Armstrong; Eric Cyprus; Michael Hecht; Jim King; Jack Gress; Town Planner Ashley Ley; Town Attorney Willis Stephens; Secretary Victoria Desidero.

PUBLIC HEARINGS:

REGULAR SESSION:

- 1. BREWSTER CORPORATE PARK, 1920 Old Route 22** – This was a review of a request for a One-Year Extension of Site Plan Approval. Chairman LaPerch said is anyone here for this? Secretary Desidero said no, we told them they did not need to be here. Chairman LaPerch said this is an extension so (Town Planner) Ashley (Ley), is this the final extension? Ms. Ley said this is their third and final extension. Chairman LaPerch said this is a project up on Route 22, it is a 90,000 sq. ft. building that has been approved about six, seven years ago now? Ms. Ley said it was originally approved in 2016. The motion to Grant a Final Extension of Site Plan Approval for Brewster Corporate Park was introduced by Chairman LaPerch, seconded by Boardmember Cyprus and passed by a roll call vote of 7 to 0. Chairman LaPerch said and the extension is for how long? Ms. Ley said one year. He said just for the public's purposes since we have a lot of people here tonight, after that extension they have to come back in for a new review? She said if they don't pull a Building Permits before the end of the year, they would need to come back for a new approval.
- 2. COMMERCIAL CAMPUS AT FIELDS CORNER, p/k/a NORTHEAST INTERSTATE LOGISTICS, 51 Pugsley Road** – This was a Review and Discussion of the Preliminary DRAFT FEIS i/c/w an Application for Site Plan, Wetland Permit and Special Permit. Attorneys Dan Richmond and Kate Roberts, Engineer Rich Pearson and Real Estate Advisor Peter Gilpatrick appeared before the Board. The Meeting Minutes for this review were provided by an outside transcription company **IN THE ATTACHED DOCUMENT.**

The motion to approve the Meeting Minutes of March 25, 2019 as written was introduced by Chairman LaPerch, seconded by Boardmember King and passed all in favor with Vice Chairman Rush abstaining.

The motion to close the meeting was introduced by Chairman LaPerch, seconded by Boardmember Rush and passed all in favor.

April 22, 2019/VAD

**PLANNING BOARD
TOWN OF SOUTHEAST, NEW YORK**

-----X
**COMMERCIAL CAMPUS AT FIELDS CORNER p/k/a NORTHEAST
INTERSTATE LOGISTICS, 51 Pugsley Road**

-----X
**April 8, 2019
Town of Southeast Town Hall
1360 Route 22
Brewster, New York 10509
7:34 p.m.**

BEFORE:

**THOMAS LAPERCH, Chair
JACK GRESS, Member
JIM KING, Member
MIKE HECHT, Member
DAVID RUSH, Member
ERIC CYPRUS, Member
DANIEL E. ARMSTRONG, Member**

PRESENT:

**ASHLEY LEY, Town Planner
VICTORIA DESIDERO, Board Secretary
WILLIS H. STEPHENS, ESQ., Town Attorney**

FOR THE APPLICANT:

**DANIEL M. RICHMOND, ESQ.
KATE ROBERTS, ESQ.
Zarin & Steinmetz
81 Main Street
White Plains, New York 10601**

Ilana Michael Nathanson, Court Reporter

Ilana Michael Nathanson, Court Reporter

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2 MR. LaPERCH: We're going to have a
3 meeting here that -- Ashley will start us off
4 by explaining where they are in the process and
5 what's left to be done in terms of review. We
6 still, kind of, have a long way to go, but this
7 is just one step along this path. Okay. And I
8 want to make one thing perfectly clear: That
9 this -- there is no public comment tonight. It
10 will only be planning board members. So you
11 will have a say eventually, once we get this
12 more refined, and we feel that the town
13 planning board members have, kind of, exhausted
14 all the questions. And then we open it up to
15 the public at some point.

16 Ashley will explain the timeline behind
17 it. But before she does that, I just want to
18 make another thing perfectly clear: What you
19 see going on at 312 right now has nothing to do
20 with the applicant. That was preplanned work
21 by the DOT. Okay. So I just want to make sure
22 -- you're saying, Oh, they're starting.
23 They're not. That was DOT work, and it's -- it
24 was preplanned. So I can't explain all of
25 what's going on there, but it has nothing to do

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2 with this application at this point, because
3 the DOT preplanned it. Okay. And what else?
4 Okay.

5 I'll let Ashley explain right now where we
6 are with this application, what's left to be
7 done, and what agencies will be involved and
8 how everybody gets a say in this.

9 So, Ashley, please. Our town planner.

10 MS. LEY: So up front, there's some extra
11 copies of this diagram. But this is a diagram
12 of where we are in the SEQRA process. So
13 what's happened so far is we had the DEIS.
14 That was accepted as complete. That was made
15 public. There was a public hearing. Many of
16 you participated in that public hearing, either
17 by speaking at the meeting or sending letters
18 in to the planning board.

19 The public comment period was closed. And
20 since that time, the applicant has gone and
21 prepared a final -- a draft final environmental
22 impact statement. And that was submitted to
23 the planning board about three weeks ago, and
24 it's been on the town website. And that's the
25 preliminary draft.

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2 So right now, what the planning board and
3 its consultants are doing: We are reviewing
4 the document. We're making recommended edits
5 and changes. We're asking for some additional
6 information. And the applicant will then go
7 back and revise the document based on the
8 directions from the planning board.

9 They will resubmit the document. It will
10 be reviewed again. And once the planning board
11 is satisfied that all of their comments have
12 been sufficiently addressed, that all of the
13 content is there, that the responses to the
14 public comments are in there, voiced, and
15 they're adequate, they will accept the document
16 as complete.

17 Once the document is accepted as complete,
18 it will be made available to the public, and
19 the planning board will schedule a public
20 hearing. That public hearing -- you will all
21 be allowed to speak. There will be an
22 opportunity for written comments. And once
23 that public hearing is closed, the planning
24 board will issue a statement of findings or a
25 finding statement, and that is what ends the

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2 SEQRA process. So that just ends the
3 environmental review portion of the process.
4 It doesn't actually end -- it doesn't mean that
5 the project's approved at that point.

6 From that point, the project would then go
7 to the town board for a special permit. The
8 town board will have its own public hearing on
9 that process. If the town board grants the
10 special permit, the project will then come back
11 to the planning board for final site plan
12 approval, and there may be another public
13 hearing at that point. So there are still
14 plenty of opportunities for public comment and
15 involvement.

16 So right now, this is just the initial
17 discussion of the initial submission of the
18 final environmental impact statement, which is
19 currently a draft. And we expect the applicant
20 to do a presentation to the planning board and
21 for the planning board members to ask questions
22 about the draft document.

23 MR. LaPERCH: Okay. Before we go to the
24 public, any comments from the board? Do they
25 understand what Ashley just described as the

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2 process? Okay. Good enough. Thank you.

3 Okay.

4 At this time, we'd like to have the
5 applicant stand up. And we'll dim the lights
6 for everybody, and he'll walk through what he
7 has to offer as the plan. Thank you.

8 Welcome.

9 MR. GILPATRICK: I think it's easier to do
10 it over here, since I can point and talk to
11 both audiences.

12 My name is Peter Gilpatrick. I am a real
13 estate advisor to the owner of the property.
14 With me this evening, I have Dan --

15 FEMALE SPEAKER: Is the microphone on?

16 MR. GILPATRICK: It is on. Can you hear?
17 Does that work?

18 MR. LaPERCH: Hold on. Hold on. Let's
19 get it right.

20 MR. GILPATRICK: It's on. Can you hear?

21 FEMALE SPEAKER: It's on.

22 MR. LaPERCH: Can everybody hear him?

23 THE PUBLIC: No.

24 MR. GILPATRICK: No. Okay.

25 MR. LaPERCH: Okay. That's more

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2 important. If you can't hear it -- let's go.

3 Peter, let's see if we can fix it before
4 we move on, please.5 Does anybody have any audio visual -- or
6 keys?

7 MALE SPEAKER: Just talk loud.

8 MR. LaPERCH: Peter, then you might have
9 to come to the middle if it's not working, or
10 if the other one's working over there.

11 MALE SPEAKER: Does that mic work better?

12 MR. GILPATRICK: Does that one work
13 better? We can do that.14 FEMALE SPEAKER: It's working. You just
15 have to hold it by --

16 MALE SPEAKER: Speak into it.

17 FEMALE SPEAKER: -- your mouth when you're
18 talking into it.19 MR. GILPATRICK: Just talk into it? Does
20 that work?

21 MR. LaPERCH: Okay. Thank you.

22 MR. GILPATRICK: Okay. So I'll start
23 again. My name is Peter Gilpatrick. I'm a
24 real estate advisor to the owners. And with me
25 this evening, I have Kate and Dan from Zarin &

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2 Steinmetz, our attorney, and Kevin and Rich
3 from JMC, our planner and our engineer.

4 Good evening, planning board, Chairman,
5 staff, and residents of Southeast. We're going
6 talk about the Commercial Campus at Fields
7 Corners.

8 You'll understand that we've changed the
9 name. And the reason we did so is: This
10 project was historically known as the Campus at
11 Fields Corners. And we've changed -- through
12 the FEIS process that Ashley spoke about, we've
13 changed the scope of the project, and we've
14 limited it to just the OP-3 zoned area, which
15 was the original Campus at Field Corner. So
16 that's the reason for the name change.

17 Our mission is to build a modern warehouse
18 distribution facility in Southeast that will
19 preserve the area's rural character while
20 bringing significant economic benefits to the
21 residents in the form of tax dollars and jobs.
22 The redesign reflects conversations with
23 neighbors and lead -- and leaders. We actually
24 got two or three months into writing the FEIS
25 when we sat down and said, Let's do something

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2 different. So we'll move on. We have an
3 agenda. We're going to touch on these items
4 very quickly. So let's just go on to the next
5 slide.

6 So the redesign. The footprint was
7 consolidated by about 17 percent. As I said,
8 it's consolidated to the OPZ -- OP-3 zoned area
9 exclusively. There's no proposed development
10 on the RC area. So the OP-3 area is about
11 228 acres out of the 338 acres that are the
12 full land owned by the owner. Our zoning -- we
13 have -- no. Let me go back.

14 Originally, we were asking for zoning
15 changes on the RC. Today, we are asking for no
16 zoning changes. The use that we propose this
17 evening is consistent with your current zoning.
18 We're not asking for waivers or variances as
19 the project is currently designed.

20 We've minimized the visual impact, and
21 we've got a series of images for you to take a
22 look at it. But it is significantly reduced in
23 its size and its visual impact. And we've
24 minimized the traffic impact doing three
25 things, and the first was making the project

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2 smaller. We're down about 30 percent in our
3 traffic volumes. We've doubled the capacity,
4 and we'll show you that in a little bit, on 312
5 between Pugsley and I-84, and we've also
6 eliminated our retail uses in the former
7 proposed project.

8 This is what we had before. You'll
9 remember it was four buildings, and we were
10 within about a quarter of a mile of Hunters
11 Glen and 600 feet from Twin Brook. And here's
12 312. I-84 is down here, and this building was
13 in the RC zone. So this is RC, and the rest of
14 the property was OP-3. And we'll go to the
15 next slide.

16 And this is the newer project. The first
17 thing we did was stay out of RC. So here's
18 312. That's over 2,000 feet. It's upward
19 sloping. You simply are not going to see the
20 project from this direction. We have now moved
21 to two buildings, consolidated Building B. So
22 we are about a quarter of a mile from each of
23 the two condominium associations. There are a
24 couple of houses right here. We're a quarter
25 of a mile from there, and we're also -- this is

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2 Tilly Foster over here. A quarter of a mile
3 there. So our buffer around this project is a
4 quarter of a mile. Two buildings: This one's
5 630,000 square feet, and this one's 303,000
6 square feet. Let's go to the next slide.

7 We say, "Built for Southeast," as it
8 does -- it meets your current zoning code. And
9 we've looked at your comprehensive plan
10 extensively, and it's also consistent with that
11 as we read it. 80 percent of the OP-3 zoned
12 property, once we're done -- and I'll show you
13 this again -- will be open space. It won't be
14 developed. It won't have impervious surface.
15 It won't have a building area. And we are,
16 again, approximately a quarter of a mile from
17 our neighbors. So -- and this, again, just
18 shows simply where it is.

19 The other feature of our plan: We are not
20 disturbing over 60 percent of the OP-3
21 property. So again, we're not talking about
22 this down here. This property. So what you
23 see in dark green is overgrown fields. It's
24 natural habitat. It's not going to be
25 disturbed, and we have committed to make most

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2 of that a conservancy.

3 What does that mean? It won't be
4 developed in the future. So what can be
5 developed up here is simply these two
6 buildings. You would allow, by code, up to
7 about a million and a half square feet there if
8 it could fit. We're at 900, so we're under
9 10 percent FAR. Let's go to the next one.

10 In terms of preserving the rural area --
11 rural character and protecting the environment,
12 the first thing -- and this is one of the
13 comments we got a lot: Can we see this thing
14 at night? So the answer is no, because all of
15 the lights are going to be dark -- dark-sky
16 compliant, meaning, they just shoot down, and
17 they're low. We've lowered them five feet in
18 the parking lots so that they are virtually
19 invisible. And overnight, they will only be
20 tripped on if something circulates there. So
21 it will be dark in the evening.

22 There won't be lights on the side of the
23 buildings, as we've heard before, where, maybe
24 at Home Depot, you light up the side of the
25 building. It stays that way all night.

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2 (Indiscernible.) We're not doing that.

3 We're going to add a lot of landscaping,
4 and it's in our -- it's in our FEIS. But we
5 are also taking -- I think it's 50 trees to
6 each of the condominium communities and
7 allowing them to plant those where they may to
8 provide additional buffer.9 In terms of noise and air quality, these
10 are comments we got a lot of earlier. We've
11 had a fellow study this and restudy it. In my
12 summary, it is from -- and these are his words,
13 not mine: You can open your window at night,
14 and you can sleep. There's no noise that's
15 going to come from here that's going to wake
16 you up. And we will -- we will further --
17 there can be rooftop equipment and air
18 conditioning. If that comes, those will be
19 baffled down. We don't exceed any codes, and
20 we're actually willing to stipulate below your
21 code levels what the noise emissions might be
22 from those.23 Let's go back to the plan one second.
24 Another thing: For this particular condominium
25 community, we're building a berm. A berm is a

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2 pile of dirt, landscaped, but it's big. It's
3 going to be 12 feet high, right here. We're
4 going to add additional plantings here so that
5 we're doing everything we can to buffer the
6 residential communities from what we're
7 building.

8 Additionally, in terms of circulation --
9 and this is consistent with what we did last
10 time. All of the truck docks are on the I-84
11 side. We've further refined the plan so that
12 only employee parking and employee cars can
13 circulate around the building, also fire
14 engines and that sort of thing can. But trucks
15 stay back here, and they're actually prevented
16 from circling around the project.

17 We've added turnarounds, so the trucks can
18 actually come in and turn around and go back
19 out. We have a turnaround out here for trucks
20 that may wander in, and this is not their right
21 place. They can turn around here and go back
22 out. We're going to talk about -- it's a good
23 time to talk about it now.

24 FEMALE SPEAKER: Excuse me. Could you
25 please raise your voice.

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2 MR. GILPATRICK: I will try. I'm blessed
3 with my mother's voice and -- and it's not --
4 it doesn't always carry, but I will try.

5 So we have a turnaround here --

6 FEMALE SPEAKER: Could you review that
7 truck again? Could you review the -- what you
8 said about the trucks going around?

9 MR. GILPATRICK: Okay. So trucks come in
10 either driveway this way, and they stay to this
11 side of the building or this side of the
12 building. They are prevented from going around
13 the building. The other plan, you could
14 actually circulate a truck around the building
15 if it wanted to turn around. In lieu of that,
16 we've put in turnarounds. And if you got
17 closer, you could see circles here and a circle
18 there and a circle there. These are where the
19 trucks, and they can be articulated trucks, can
20 go in and turn around and go back out.

21 FEMALE SPEAKER: So all of this is
22 internal?

23 MR. LaPERCH: This is not a public
24 comment. Please let him finish.

25 MR. GILPATRICK: It is -- it is internal.

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2 And then employee parking is on the
3 outside, here and here, and that's accessed
4 with a circular road that comes around to here
5 and one that comes around to here. There's
6 actually an elevation difference. And then we
7 accommodate the ability to have fire and
8 emergency vehicles come in.

9 So we do make positive economic benefits.
10 There will be nearly or up to a thousand new
11 jobs generated on-site, another 200 off-site.
12 And this comes out of model called IMPLAN,
13 which both looks at the direct impacts of a
14 project, but also the indirect impacts, those
15 businesses that interact with -- directly with
16 the facility. And -- and also community
17 impacts, which are induced, which means some of
18 the people working here that would go into the
19 local businesses, local stores, and spend money
20 and become a part of the community.

21 It will generate \$30 million in new taxes
22 over its first 15 years. 80 percent of that
23 goes to the school system. That's the way you
24 divide your taxes. 10 percent come to the
25 town, and 10 percent, in round numbers, go to

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2 the county.

3 In contrast, the plan that was approved a
4 number of years ago generated about 150 school
5 kids going to schools. That's a cost of about
6 \$30,000 a head. Additionally, the annual
7 economic output, which is, again, generated by
8 the IMPLAN model and includes both direct
9 output, indirect output, and induced output, is
10 \$73 million a year. That's new money into the
11 community from this project.

12 Now, we have a series of pictures. And I
13 am -- I'm not going to describe where all of
14 the vantage points are, because I think you
15 understand them better than I do. But looking
16 over the reservoir, the buildings would be
17 right in here. And the reason they're not on
18 top of this particular hill is that one happens
19 to be the tallest ridgeline back here, and it's
20 115 feet taller than the ridgeline that's on
21 our property. But there are ghostings, and
22 you'll see them as we go through the slides.
23 Right in here, but partially visible from this
24 location all seasons. So these are the -- kind
25 of, the tag lines that describe what you'll

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2 see. You'll see leaves on. You'll see leaves
3 off. Next one.

4 Again, this is the leaves off for winter
5 picture. The project is back -- back in there.
6 And the next. And again, you can see the
7 ghosting here. This is matched up with the
8 height of the building and the actual elevation
9 of the ground. So you can see where it is.
10 This one won't be visible at all. Next one,
11 please. Again, up here. Next one. Okay.

12 This is Hunters Glen. Here's where the
13 building would be if it were visible and there
14 were no trees. Right about there. That's
15 leaves on. Next one is leaves off. And again,
16 it might be a little -- little visible through
17 the (indiscernible.) Next one. And again,
18 also staying in Hunters Glen. This is the area
19 where it would be. Leaves on, you don't see
20 it. Leaves off would be up in this area. Now,
21 remember, that's a quarter of a mile away.
22 Next.

23 Here's Twin Brook, and that's where it
24 would be from this particular vantage point,
25 down there. So it won't be visible. And if

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2 you'll click the next one. That's leaves off,
3 and there's the ghosted image. Next one.

4 This is Tilly Foster. And again, here's
5 where Building B, the nearest, would be. By
6 eliminating the building that was in the RC,
7 which would have been up here -- that was the
8 most prominently visible building in the former
9 project. And here it is leaves off. And
10 again, from Tilly Foster, just not visible all
11 seasons. And again, it's a quarter of a mile
12 away.

13 And we do have a website. If you'd like
14 to visit it, it's campusatfieldcorners.com.
15 There are places to make comments. We're
16 interested in hearing from you.

17 MR. LaPERCH: Thank you. Okay.

18 Just a couple of other things you should
19 be aware of is that all our consultants have
20 not given their reports in. So this is going
21 to be an ongoing, kind of, review, because we
22 haven't heard from our town engineer. We just
23 received our wetland report. But I just spoke
24 to Ashley. I was talking to Ashley that this
25 presentation will be put up online tomorrow.

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2 So you can -- if you want to look at exactly
3 those visuals, and you couldn't really see them
4 clearly, you may get a better chance to see
5 them once we put them up online. I'm not sure
6 what the timing is, but we plan on putting them
7 up online.

8 And for everybody's sake, you should be
9 aware that this document is online also. Okay.
10 So everybody has a chance to review it. And
11 hopefully -- like I did. Mine is all stained
12 with spaghetti sauce and everything, but I
13 think I, kind of, read through it. But I just
14 want to start off with a couple of comments.

15 First of all, I just want to share with
16 the public that CareMount -- once again, it has
17 nothing to do with this application, but
18 CareMount Medical Group has got the approval
19 they're working towards and, I think, should be
20 able to start pushing dirt some point in the
21 next week to resolve what we believe is the
22 parking problem up there for an additional 75
23 spaces that will be on top, behind the
24 building, that will dump out into Independent
25 Way. Okay. That has nothing to do with this

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2 application, but you should be aware of what's
3 going on in our community, that that has been
4 approved. And I think they're in the final
5 stages of getting the documents together to
6 start moving some dirt. So that's separate
7 from that. And once again, I'm going to repeat
8 that the DOT work that's going on right now has
9 nothing to do with this application at this
10 time. That was preplanned work. Okay.

11 Now, if you just bear with me, I might be
12 just jumping around here. But I think it's
13 important, because I did read it, and I, kind
14 of, had some good things and some questions I
15 still need answered.

16 First thing: I'll start with your
17 wetlands. It seems that the report that we
18 received from our wetland inspector today, kind
19 of, indicated that you still have lots of
20 studies to do. So we really can't dive into
21 that subject matter because of the species
22 issues and things like that have to be studied
23 now through the summer. Is that a correct
24 statement?

25 Let me just make sure -- the applicant

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2 does not have to answer our questions here
3 tonight but -- tonight, but they do have to
4 answer it in writing. Okay. So if he doesn't
5 say anything, that's fine. But I want to be on
6 record of asking the question, and that's all
7 board members.

8 But based on my reading of our town
9 wetland, he claims that there's lots of studies
10 left to be done that have to be conducted this
11 season and into the summer. So we can't really
12 comment on the wetland mitigation plan in depth
13 because of some studies, and that is my
14 takeaway from this letter.

15 Ashley, am I, kind of, on point with that?

16 MS. LEY: There were some seasonal wetland
17 studies that were requested and have not --
18 were not included in the FEIS.

19 MR. LaPERCH: Okay.

20 MR. GILPATRICK: They will be forthcoming.

21 MR. LaPERCH: That's what I figured.

22 Okay.

23 Now, I guess, you know, to me, it's always
24 been about traffic, traffic, traffic. Now, one
25 thing that jumped out at me is that -- when I

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2 was reading this, that the new plan drastically
3 reduces truck traffic. And it -- and I saw the
4 number come almost down, truck traffic only,
5 from -- once again, I think where you got off
6 to the wrong foot, in my personal opinion, was
7 that you used truck traffic. But it's trips.
8 And the trips are -- have to be divided by two
9 to really come down to the number of trucks in
10 and out a day. And if I was reading this
11 correctly, you go from around 150 trucks on the
12 old plan to 65 trucks, and double that trips.

13 MR. PEARSON: Correct.

14 MR. LaPERCH: Correct. Okay.

15 Now, that's just trucks. I didn't get a
16 good handle also on the employment traffic and
17 things like that. You took out the retail
18 component of the property, which drastically
19 reduced it. But I think -- and I think
20 Ashley's firm did a fabulous job on, kind of,
21 distilling -- and I call it, like, the Cliff
22 Notes of this four-inch thing, into what needs
23 to be addressed.

24 But to me, I need a chart. I'm a chart
25 guy. I want to see what you proposed and what

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2 this new plan is actually saying, and I want to
3 see the difference in a chart. Your narrative
4 doesn't give a clear picture of the impacts.
5 So on every category along the way here, I
6 think you have to, in my opinion, give us what
7 was proposed, not only with the single-family
8 houses, but the old plan of the larger, and now
9 what the new one is. And I think it would give
10 a clear picture and, kind of, in some ways,
11 dumb it down to have an understanding of how
12 these things are impactful. Okay.

13 MR. GILPATRICK: We're going to prepare a
14 chart.

15 MR. LaPERCH: You are going to do that.
16 Thank you. Okay.

17 The other issue is more of a legal issue
18 to me, because it, kind of, comes up in a --
19 quite a bit here about how this project fits
20 into our definition of light manufacturing.
21 Okay. There's a difference. There's a nuance
22 here that it falls within, in my
23 understanding -- correct me if I'm wrong,
24 Ashley -- under a special permit. We don't
25 have a clean definition of "warehousing,"

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2 correct, in the --

3 MR. RICHMOND: I think it pretty clearly
4 falls under -- warehousing under your
5 comprehensive plan falls within light
6 manufacturing. That's what your light
7 manufacturing --8 MR. LaPERCH: That's what that -- you make
9 that argument in this. I see that, that it
10 does, that it does fall in with that.11 MS. LEY: The zoning code has a definition
12 for warehousing and a definition for light
13 manufacturing. Light manufacturing is a
14 special permit use in the OP-3 zoning district.
15 And the way that they -- it's been interpreted
16 by the building inspector, based on the memo
17 that was submitted by the applicant, that this
18 project can be considered light manufacturing.

19 MR. LaPERCH: Thank you.

20 MR. RICHMOND: Right. I think that's a
21 point. The zoning inspector has concurred with
22 our interpretation.

23 MR. LaPERCH: Do we have that in writing?

24 MS. LEY: Yes.

25 MR. RICHMOND: Yes.

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2 MR. LaPERCH: Thank you. Okay. Back to
3 my traffic thing.

4 You had originally proposed in your DEIS
5 510 truck trips, which, divided by two, is 250
6 trucks. Based on the new plan, which is here
7 on page 1-7, your new traffic generation study
8 shows 130 trips. Divide that by two. You're
9 saying 65 -- they're saying, basically, 65
10 trucks a day coming through that.

11 MR. PEARSON: Yeah. That's based on our
12 studies at the Gap and the Matrix facilities,
13 two nearby similar facilities.

14 MR. LaPERCH: And part of --

15 MR. PEARSON: And it's adjusted for the
16 square footage of those developments relative
17 to our development.

18 MR. LaPERCH: Right. You say, "It's
19 almost 200 percent bigger than ours."

20 MR. PEARSON: Right. The Gap is, yeah.

21 MR. LaPERCH: Okay. Okay. And I guess I
22 just didn't pay attention here just now, but
23 you are adding two lanes; correct?

24 MR. PEARSON: Correct, between Pugsley
25 Road and the 312 eastbound ramp. We're adding

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2 one lane in each direction.

3 MR. GILPATRICK: Didn't pop up the first
4 time around.

5 MR. LaPERCH: Yes. Please show it.

6 MR. GILPATRICK: Okay. So I-84 --

7 MR. LaPERCH: Use the mic, please, or
8 stand up in the middle, please. Just stand up
9 in the middle, Peter. That would be easier.
10 Thank you.

11 MR. GILPATRICK: Okay. I-84 is over here.
12 CareMount is in here. Pugsley. 312 comes up
13 this way.

14 You'll recall last time around, we were
15 talking about a roundabout. This will be a T
16 intersection at Pugsley and 312. From Pugsley
17 up to I-84 will now be, we propose, four lanes,
18 two lanes in each direction, which increases
19 the capacity from here to here, makes it easier
20 to move.

21 The reason you see two drawings here is
22 these have both been up to DOT. One has a
23 right-turn-only lane. The other has two lanes,
24 one of which is through. Two lanes start here,
25 coming up from Tilly Foster and Route 6, and

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2 then proceed as two lanes through the
3 intersection.

4 The light will be a pressure demand light,
5 which means if there's nobody here, the light
6 is always green to facilitate through traffic.
7 It's only when something comes down here,
8 triggers it, puts it -- then the light will
9 trigger. There will be a short period where
10 those vehicles can exit. Then it goes back to
11 green. So from here to here, four lanes.
12 We're also doing signal coordination, for lack
13 of a better term, but that's aligning signals
14 to the traffic flow. And we also understand
15 that the state has reasonably appropriated
16 \$2 million to better rationalize this
17 intersection.

18 So at the end of the day, it's significant
19 improvements. We're adding probably around 250
20 to 300 trips at rush hour for this. Right now,
21 there's well over 2,000 trips that go through
22 here rush hour each day. It's about a
23 10 percent increase, doubling the volume from
24 here to here, and then changing the
25 signalization to better enhance the flow.

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2 MR. LaPERCH: Peter, also explain what
3 you're going to be doing towards -- now that
4 the Prospect Hill Bridge is in play, you're
5 going to be doing some fill south of that.

6 MR. GILPATRICK: Okay. So Prospect Hill
7 is -- that's the one that was closed forever.

8 MR. LaPERCH: Yes, it was.

9 MR. GILPATRICK: Okay. So it's now open.
10 And what -- what we have to do and what's been
11 expanded is, now that it's open, we have to
12 study that. And we have studied that, and that
13 information will go into your -- into the
14 report --

15 MR. LaPERCH: Okay.

16 MR. GILPATRICK: -- your FEIS once we've
17 delivered it to you.

18 MR. LaPERCH: Okay. Thank you.

19 And then there was a positive -- your new
20 plan is actually a positive on the groundwater;
21 is that correct? Is that right? It's less
22 demanding, because you're --

23 MR. PEARSON: Yes, compared to the
24 residential.

25 MR. LaPERCH: That's --

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2 MR. PEARSON: It's substantially less.

3 MR. LaPERCH: Once again, I'd like to see
4 that in a chart.

5 MR. PEARSON: Yes.

6 MR. LaPERCH: That's a big issue here.
7 Because based on what you wrote here, there's a
8 big -- you know, there's not a drawdown
9 compared to having the houses. So I think you
10 should elaborate on that.

11 Another major concern I had for this
12 project was the input from our town fire
13 department and our EMS people. And based on
14 their -- the applicant's reply here, they spoke
15 to Chief DeSantis, and the chief came. Their
16 takeaway was that it will improve emergency
17 access. It's not -- it's not anticipated to
18 place significant demands on emergency
19 services. And he said -- what else there
20 was -- that he didn't -- the fire
21 department's -- Chief DeSantis did not see a
22 problem with the facility from a -- but we
23 didn't see anything in writing. So I'm
24 requesting a letter from the -- not only the
25 county, but the town highway department -- I

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2 mean fire department to say that was true.

3 Okay. And we'll visit that once we get it. He
4 was fine with circulation and things like that.

5 You talked about your berm. I want to go
6 into your marketing report from CBRE. And
7 they, kind of, show there's a vacancy. I'd
8 like to see that. That was interesting.

9 Another thing I picked up on, which is
10 part of a big project, outside storage. Is
11 there going to be any outside storage at this
12 property, and is it allowed? Because it says,
13 "Very limited need for small outside storage."
14 So is that something that we're going to allow,
15 or is that something up for discussion?

16 MS. LEY: It's permitted in the zoning
17 district and with the use, but they haven't
18 shown it on the site plan.

19 MR. RICHMOND: We're not proposing it at
20 this time on this plan.

21 MR. LaPERCH: In any event (indiscernible)
22 may have limited needs for outside storage. I
23 want to address it. If there's a -- if you're
24 going to need it, bring it, and show us what
25 you're going to do. And we'll figure it out.

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2 Okay.

3 One other thing I saw in your calculations
4 that maybe I'm -- you know, the fact that you
5 have a smaller footprint and the impact on the
6 wetlands and things like that. Do you really
7 need all that parking? Seems like a lot of
8 parking. I'd like you to, kind of, revisit
9 that, because your footprint is encroaching in
10 on a wetland buffer. And if you're saying your
11 conservative figures, do you really need all
12 that parking? So maybe there's a way of
13 reducing it. That's a question. I'm not -- I
14 don't know if you're going to answer tonight.
15 I'm not looking for you to answer.

16 MR. PEARSON: I'll just say tonight that
17 we have shown a portion of the parking to be
18 land bank parking. So if it's not needed, it
19 wouldn't be developed. It wouldn't be paved.
20 If it is needed, then it would be.

21 MR. LaPERCH: Okay. Thank you.

22 Just back to the fire department. There
23 was a comment here in 48-4.48. The fire
24 department did not express a need for
25 additional equipment. Okay. I want that

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2 memorialized. Okay.

3 I guess I was confused and -- on the
4 response to Number 4-52B. If you can, if you
5 want, explain. Applicant projects
6 approximately 1520 trips per day. And so if
7 you have 65 -- 150 -- 150 trips of truck\$5or
8 trucks, what is the 1500 on Response 4 --
9 Number 4-52B mean? Okay.

10 MR. PEARSON: That would include
11 employees.

12 MR. LaPERCH: Sounds like a lot.

13 MS. LEY: It's the three shifts.

14 MR. PEARSON: We'll provide additional
15 information on that. That would be base~~p~~ on
16 to three shifts.

17 MR. LaPERCH: To me, if I do the math of
18 1500 trips, that's 760 vehicles.

19 MR. PEARSON: That's in three different
20 shifts.

21 MR. LaPERCH: I get that.

22 MR. PEARSON: Right.

23 MR. LaPERCH: I get that. Okay. I just
24 want to make sure I understood what you're --
25 okay. Sorry. Okay.

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2 Once again, I would -- I failed to see,
3 but I think we addressed it earlier, was
4 that -- a chart of what the generation traffic
5 would be based on your old plan that you claim
6 of the residential, what the bigger project
7 would have been, and what you're proposing now.
8 Okay. Now, my com -- I'm referring to Comment
9 Number 4-140 regarding -- our Town Councilwoman
10 Lynne Eckardt asked about the Barrett Road.
11 Now, this plan, for the public's purposes,
12 Barrett Road will be needed for the building
13 pad site. So there's a -- we need to get paid
14 for that, according to Lynne's comment. And
15 we're going -- we haven't responded. They
16 haven't responded to that yet. But there will
17 be discussions regarding that, correct, the
18 Barrett Road issue and the mapping it and
19 take --

20 MR. RICHMOND: That's a discussion we're
21 having with the town.

22 MR. LaPERCH: Yeah. We haven't anything
23 memorialized, but it's something that still
24 needs to be addressed. Okay. Thank you for
25 your patience.

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2 Once again, I can't comment on the wetland
3 position because of the need for further
4 studies that will be going on now. Okay.

5 Comment Number 6-22: The current proposed
6 project result in 48.4 acres of impervious
7 services. The SWPPP has been designed to
8 provide channel protection (indiscernible.) So
9 is that a reduction in terms of impervious, the
10 new plan?

11 MR. PEARSON: Yes.

12 MR. LaPERCH: The answer's yes; right?
13 Okay. So that's a positive. Okay. All right.

14 I'm jumping around here, but 10 -- 10-4.
15 You used the -- it's regarding, kind of, an
16 economic -- we're on the tax analysis section.
17 And your general contractor's estimating \$45 a
18 square foot to build this building. We should
19 get his name, because that sounds awfully low.
20 That's from my stand -- from my stand -- that's
21 my personal opinion on that. Okay. Okay.

22 The other, kind of, hot topic of the day
23 is -- and I'd like Ashley to explain it to the
24 board and myself again and, kind of, make sure
25 I understand, but a PILOT. How is a PILOT

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2 approved? What's the process behind it?

3 Because your numbers that you are projecting
4 out here over a ten-year period are significant
5 dollars. And I want the public and the board,
6 actually, to, kind of, understand what the
7 process -- who votes on it and to tell us what
8 it's all about if you could.

9 MS. LEY: Sure. So a PILOT is a payment
10 in lieu of taxes. It would be -- first have to
11 be approved by the town board. It would also
12 have to be approved by the school board. But
13 ultimately, it's approved by the Putnam County
14 IDA. And what it does is it allows the
15 developer to, basically, ramp up its tax
16 payments over time, so that eventually it will
17 be paying the full amount of taxes. But it
18 allows the developer to have some tax relief
19 while it's stabilizing the development.

20 MR. LaPERCH: Who votes on it? What's the
21 process behind approvals on that?

22 MS. LEY: So it's being discussed in the
23 FEIS. We've asked for some additional
24 information on how they calculated their
25 anticipated PILOT payments. Ultimately, the

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2 town board needs to vote on it. The school
3 board needs to vote on it, and then the Putnam
4 County IDA votes on it.

5 MR. LaPERCH: Okay. Okay. I'm going
6 to -- one of the things I've asked Ashley if
7 it's appropriate: I -- during this process,
8 before we vote on anything, I'd like to invite
9 our tax assessor to the meeting in case --
10 during the public forum in case there's
11 questions. I'd like to get the school board
12 here to understand what -- you know, what their
13 feelings are, because there's some conflicting
14 information. Because based on the applicant's
15 tax analysis, they're going to make -- they're
16 going to get some good money, but I don't know
17 if that's going to reduce our taxes or not.
18 And I want to hear it exact -- I want to hear
19 it from the school board. I want to hear that
20 this project has a net benefit to us.

21 Because at the end of the day, it looks
22 like you have \$28 million over a ten-year
23 period. That's significant money. And I know
24 that -- I know that there's -- that people are
25 saying, Listen, what's the benefit of having

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2 this come in if we don't see at least a benefit
3 in our taxes at a minimum? So I want to hear
4 from the school, who happens to be the largest
5 user of our taxes, how it works. So I want to
6 put them on the spot. And hopefully they'll
7 come and tell us the process, because they can
8 gobble up that million dollars like that. So I
9 just want to say my intentions hopefully are to
10 have a representative of the school board or
11 school to talk to us about the budget. Okay.
12 And I will have our tax assessor, kind of,
13 explain what she believes are the economic
14 numbers behind this from a town standpoint.
15 Okay. So we'll have that. And I will -- I
16 did -- I would like to also invite our town --
17 our fire department back to make sure that
18 we're all on the same page here. Okay. Two
19 more pages, if you don't mind.

20 Once again, I referenced the fire
21 department conversation. Response Number 11-8:
22 Applicant's representative had a meeting with
23 the Brewster fire chief, Moe DeSantis, on
24 December -- on September 18th, 2018, to discuss
25 the DEIS plans. I'm just giving you

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2 highlights. And he, once again, had no problem
3 with not only the water source, but also the
4 whole development at that point. But I'd like
5 that memorialized somewhere for the town
6 record. Okay. All right. I think I'm on my
7 last page here. Okay. Yes.

8 The fire department, in Response 12-2:
9 There is ample water to address a fire on the
10 site with the proposed 303 700,000-gallon water
11 storage as discussed. So we do have input from
12 our emergency services people, but I would
13 personally like to get a letter.

14 On to utilities. I'm -- my daytime job is
15 a broker in Westchester County, and I know
16 there's a moratorium on gas from Con Ed. And
17 it's -- there's an -- Response 12-4 that
18 they're going to need to upgrade their services
19 to bring gas to the service. And I just wanted
20 to know: Is that capacity issue the same in
21 Westchester that they have moratorium, or is
22 there any problems here? You don't have to
23 answer it, but it, kind of, jumped out at me
24 because of the moratorium with the -- down
25 south. That finishes that.

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2 I did -- and shame on me. Didn't get to
3 see it. But our -- Tom Fenton, our town
4 engineer, did respond. Very technical in
5 nature. I won't get into it now, but it will
6 be an evolving situation in terms of getting
7 the right answers and have his concerns
8 addressed.

9 So once again, I think that's -- we're in
10 the first stage of a couple of meetings to make
11 sure that not only what I'm going to say, what
12 my board members -- and I thank the board
13 members. It's a lot of work to absorb this and
14 come up with good questions. And you can see
15 the effort they put in tonight is going to be
16 rewarding. And then, eventually, the ball will
17 be in your court to, kind of, come back to us
18 with what your thoughts are. But I think the
19 applicant did a very good job in addressing
20 what we believe are initial concerns. And
21 we're not going to make everybody happy, but
22 it's a give and take at this point. And we
23 still got a way to go.

24 So I'm going to, kind of, now take a
25 breath and have a glass of water. And I'm

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2 going to start with, to my right here, Mr. Jim
3 King, who will give his comments regarding this
4 project. Thank you.

5 MR. KING: I don't have any real macro
6 comments. Mine are -- mine are small concerns
7 about the 312 access. And I think that can be
8 shelved for later. So no comments.

9 MR. LaPERCH: At this time. Thank you.

10 MR. KING: At this time.

11 MR. LaPERCH: Thank you.

12 Mr. Gress. Thank you. How are you doing?

13 MR. GRESS: Good. I've reviewed the FEIS.
14 I have several questions regarding traffic,
15 taxes, the PILOT program, the DOT, and their
16 response. Everything that I wanted to ask
17 questions for tonight, Ashley, Joe, Steve, and
18 Tom have put into their comments. So I'm
19 willing to wait until the applicant responds to
20 their comments.

21 MR. LaPERCH: All right. Thank you.

22 That's fair.

23 Mr. Hecht.

24 MR. HECHT: I too have some comments that
25 I can reserve until later on in the process,

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2 but I echo your concerns about the visual
3 charts for trips. One thing, just doing basic
4 math in my head, if it's going from 250 to 60
5 trucks, that's about a 75-percent decrease. I
6 don't think the proposed building size changed
7 by 75 percent. So, obviously, there's some
8 thought and some judgment that went into that
9 reduction, which I would like to see, because
10 it is a pretty significant decrease from the
11 last time we spoke. And I, obviously, have the
12 same concerns about -- I think it's a great
13 idea to bring the school and the assessor in,
14 because it would, I think, make sense to see if
15 we are actually going to realize some type of
16 impact and relief for a project of this nature.

17 So the only other thing I wanted to
18 mention -- if it's down the road in future
19 discussions, you can let me know. But if we
20 have ever finalized the hours of operation, or
21 if that's still, kind of --

22 MR. LaPERCH: It's in there.

23 MR. HECHT: Okay.

24 MS. LEY: It's in there.

25 MR. HECHT: I didn't see that part.

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2 MS. LEY: So what they've said is that it
3 will be 24 hours a day, but the trucks wouldn't
4 be 24 hours a day. The late night shift would
5 be employees --

6 MR. HECHT: Okay.

7 MS. LEY: -- restocking. It would be a
8 smaller shift.

9 MR. HECHT: Okay.

10 MS. LEY: If the applicant wants to
11 address that further.

12 MR. RICHMOND: I think you stated it well,
13 that the -- what we're proposing now would not
14 involve truck traffic, I think, between
15 a.m. 15 -- 11 p.m. and 6 a.m.

16 MR. LaPERCH: Can everybody hear that?

17 THE PUBLIC: No.

18 MR. LaPERCH: All right. I apologize. If
19 he's going to say something, I'll have him
20 stand up. Okay.

21 MS. LEY: So what he said is that the --
22 the truck traffic would not be after 11 p.m. at
23 night or before 8 a.m. in the morning; is that
24 right?

25 MR. RICHMOND: Primarily, I think --

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2 MR. LaPERCH: Wait. Wait, please.

3 MR. RICHMOND: 6.

4 MS. LEY: Sorry. 6.

5 MR. RICHMOND: 6. With the idea being, as
6 Ashley said, that those hours would be
7 primarily used by employees who arrive by car
8 to restock and do nighttime activities, prepare
9 for the day shift.

10 MS. LEY: And that's something that would
11 be memorialized in the finding statement, the
12 special use permit, and the site plan approval.

13 MR. LaPERCH: And just to jump in here: I
14 believe, also, you made a commitment not to
15 have any hazardous waste as product that comes
16 into the site; is that correct?

17 MR. RICHMOND: Well, we said hazardous
18 waste as regulated by the Department of
19 Environmental Conservation, which is what the
20 -- I think the town's primary concern is. I
21 mean, we don't want to get -- you know, in
22 similar projects we've worked in, you know,
23 obviously, normal consumer products technically
24 contain hazardous waste. Nail polish,
25 computers.

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2 MR. LaPERCH: So the definition is going
3 to be based on what? Who is --

4 MR. RICHMOND: DEC, which is primarily
5 based on --

6 MR. LaPERCH: The DEC's definition of
7 hazardous waste?

8 MR. RICHMOND: Yes.

9 MR. LaPERCH: Thank you. Okay. All
10 right.

11 Are you finished, Mr. Hecht?

12 MR. HECHT: Yes.

13 MR. LaPERCH: Thank you.

14 Mr. Armstrong.

15 MR. ARMSTRONG: Okay. Some of my
16 questions have already been touched on. My
17 first question was going to be: Is this a
18 24-hour-a-day operation? And I guess even
19 though you have -- you've limited the hours
20 that trucks can come in. It's still going to
21 be occupied and working 24 hours a day with the
22 employees restocking or whatever it is they're
23 doing. Okay. So it is a 24-hour a day
24 operation.

25 Secondly, there is -- as compared to the

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2 previous design proposal and layout, this one
3 requires no zone changes whatsoever; is that
4 correct?

5 MR. RICHMOND: Correct.

6 MR. ARMSTRONG: Okay. The -- another
7 question is -- has to do with -- in your
8 traffic study, have you anticipated where the
9 bulk of the traffic entering and leaving the
10 site will be coming from? Will it be off of
11 84, or is it going to be using, to some degree,
12 what we call local streets, even though they
13 are numbered roads? Have you got any -- a
14 number on that one?

15 MR. PEARSON: Yes. All that information
16 is detailed in the FEIS.

17 MR. ARMSTRONG: Okay. So it's all in
18 there.

19 MR. PEARSON: It's all in there.

20 MR. ARMSTRONG: I didn't see it. Thank
21 you.

22 MR. PEARSON: Mr. Armstrong, there's a
23 separate volume related to the detailed traffic
24 information, and that's where that detail is.

25 MR. ARMSTRONG: Okay. Thank you.

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2 Also, it may seem like a minor item, but
3 the color of the building does play a role in
4 its visibility to the public in general. And I
5 have a favorite building in town that really
6 disappears at night, and I'll give you the name
7 of the building. But I don't know whether
8 you've chosen a color or whether that's still
9 up in the air. And really, that's about what I
10 have. As it progresses, I may add some other
11 questions.

12 MR. LaPERCH: Thanks, Dan.

13 MR. ARMSTRONG: Thank you.

14 MR. LaPERCH: All right. Mr. Cyprus, how
15 are you doing?

16 MR. CYPRUS: Good. First off, thank you
17 for your detailed comments.

18 I have a couple of questions. Some are,
19 kind of, process oriented. But, you know, one
20 thing that I hear from the public a lot is
21 about an exit off of 84. I've heard that
22 that's off the table. Did we ever get, like,
23 an official thing that it's definitely out of
24 the question?

25 MR. LaPERCH: It -- I can answer it. We

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2 were at the DOT meeting, and it is in -- it's
3 in the response. It's that because of -- the
4 federal government has restrictions on exits --
5 mileage between exits, and this is not
6 qualified for it.

7 MR. CYPRUS: Okay. The PILOT program, are
8 they always that ten-year thing that we looked
9 at, or, as the agencies review, it they can --
10 could be different and, you know, different
11 percentages and different lengths of time?

12 MS. LEY: They can be different, and each
13 IDA operates with its own criteria.

14 MR. CYPRUS: Okay. And then just, again,
15 process-wise, like, for example, Ashley, you
16 had over a hundred comments. Like do we expect
17 all of our comments to go to them and get one
18 response back, or how much iteration do you see
19 us doing here? Like are they responding to
20 yours and then we're going to chime back in?
21 Where do you see this going?

22 MS. LEY: So what I would expect to happen
23 now is that if the applicant has any questions
24 about any of the consultant comments, they
25 would reach out to the consultants directly.

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2 We can clarify any of those comments. There
3 might be some staff-level meetings to clarify
4 comments and approach. And then the applicant
5 will submit a revised document, a full revised
6 document. That would then be posted on the
7 website again. We'd get another set of formal
8 memos from the consultants. The planning board
9 would then review it at an open meeting. And
10 if the document has been sufficiently revised
11 at that time, it would be accepted as complete,
12 or there could be another round of revisions.

13 MR. CYPRUS: Okay. That's all I have
14 tonight.

15 MR. LaPERCH: Thank you.

16 Mr. Rush, how are you doing?

17 MR. RUSH: Great. Thanks again for your
18 summary, and also for yours, Ashley.

19 I have a couple of visual questions,
20 because I'm more of a visual person. In the
21 presentation that you did just give, you showed
22 images that were superimposed of where you saw
23 the building. I was actually having a very
24 difficult time understanding what it was I was
25 looking at, and that's for me. So I'm not sure

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2 if that was intended to make me feel good or
3 bad if I were somebody that's looking at this
4 project, but I don't think it was represented
5 properly to me. I never understood what I was
6 looking at.

7 To Dan's point, the design of the building
8 is not in this yet. I know we're, kind of,
9 talking about it. I would certainly have a lot
10 of questions about what this building is going
11 to look like. What does the roof look like?
12 All these other aspects.

13 I did have a question: How do we measure
14 sound from this project?

15 MS. LEY: So they did set up some noise
16 monitoring equipment to establish the baseline,
17 and then they modeled what the anticipated
18 noise levels would be at those locations once
19 the project is constructed. And that's based
20 on the traffic, so the vehicle noise as well as
21 the building noise.

22 MR. RUSH: And this is based off of our
23 current town sound ordinance?

24 MS. LEY: Well, that's based -- that's the
25 threshold for what the impact would be, but the

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2 noise modeling is done by an acoustic
3 consultant.

4 MR. RUSH: Okay. I would be -- I would be
5 concerned, or, at least, I'd like to know
6 exactly how that gets enforced if that was the
7 question.

8 And I had another question based on your
9 hours of operation. Are you flexible at all
10 with your 6 a.m. starting time? If -- 24 hours
11 a day. That means Saturday, Sunday 6 a.m.; is
12 that correct? You don't have to answer right
13 now.

14 MR. GILPATRICK: There's a -- I'm sorry.
15 We've engaged a guy who's an expert on these
16 buildings and an expert on their operations.
17 Sunday would have a different set of hours.
18 Saturday mirrors, for the most part, the
19 weekday, because that's the day, if something
20 breaks during the week, they make up time on
21 Saturday. As a general rule, it wouldn't
22 happen, but that's how these buildings want to
23 work.

24 MR. RUSH: Okay. And then on the diagram,
25 you were showing where the traffic is. I'm

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2 just wondering: As you were approaching
3 from -- we'll call it planned south. And you
4 said that that light would be changing if there
5 was a demand for it. Would you be installing,
6 further down the road, I guess, more in the
7 Tilly Foster area, because you're, kind of,
8 coming up the hill, would there be one of those
9 flashing signs like you see on the Saw Mill
10 that at least lets you know that there's a
11 signal going on? Because I think a lot of us
12 would be caught off guard if, all of a sudden,
13 you were going there and -- I don't know. I'm
14 just thinking about safety --

15 MR. GILPATRICK: That's a good comment.

16 MR. RUSH: -- primarily.

17 MR. PEARSON: They are proposed.

18 MR. RUSH: Okay. I know that Tom
19 mentioned about the parking. I guess I'm a
20 little concerned about that too. I'm
21 wondering -- I understand the trucks need a
22 very heavy base. But the vehicle -- vehicular
23 traffic and parking, could any of that be
24 impervious -- I'm sorry -- pervious paving?
25 Could we look into that? Is that a

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2 possibility?

3 MR. PEARSON: There's certain guidelines
4 for pervious pavement, very specific
5 guidelines. We did look into that. There may
6 be one small area that we can implement that.
7 But generally, while we looked at it, we could
8 not provide that for -- there's a certain
9 amount of cut that you're allowed to do, how
10 much excavation, and it's relative to the
11 groundwater elevation. You cannot do it in
12 fill areas. So based on these variety of
13 things, there were certain constraints on
14 providing that. But we did definitely look
15 into it.

16 MR. RUSH: Okay. I recognize that
17 durability is also a pretty important issue.
18 That's it for me for right now. Everything
19 else has been mentioned.

20 MR. LaPERCH: All right. Thank you,
21 David.

22 Three more things that popped in my head
23 while reading through this report: There is a
24 provision that there will be no accommodations
25 or sleepovers allowed on site. There's no

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2 rooms. They don't -- they come and they go.
3 There is a waiting area they can freshen up in,
4 but they're not allowed to sleep over. And
5 that area as you're approaching Pugsley now
6 that you've seen the honey truck and everything
7 that trucks typically park on, that will be
8 blocked off. So there won't be -- anybody have
9 the ability to park on the side of the road.
10 So they're going to come into the site, in
11 theory, do their business, come back out, is my
12 understanding.

13 MR. PEARSON: Yes. It's actually shown
14 there on the exhibit in green.

15 MR. LaPERCH: Okay. I know. But it was
16 about the sleepover. There's concerns. And
17 then there was an issue here that I also
18 read -- I don't know what section it was, but
19 idling. Idling. And I think that's an
20 enforcement issue more than anything. And I
21 don't know who enforces it other than your
22 plant manager. But I think I'm going to hear,
23 once the public gets a shot at this, they don't
24 want to hear 40 trucks idling, okay, with the
25 back up sounds. I don't know what that term

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2 is. But I can tell you that, to me, is another
3 hot button issue. Okay. But it's an
4 enforcement issue that I don't see how the
5 town -- you know, we can, you know, help you
6 out, other than you have to police it yourself.
7 And if it comes to the point, we're going to
8 have to send over there -- do you want to
9 answer that, Dan?

10 MR. RICHMOND: Just briefly. You know, as
11 we've detailed in the FEIS, through -- each of
12 the buildings would have some manager on site
13 that that would be part of their
14 responsibility, would be to enforce things like
15 the anti-idling requirements.

16 MR. LaPERCH: Okay. All right. We just
17 received -- I just received tonight a letter
18 regarding Patterson -- Town of Patterson's
19 supervisor sent it. Everything I'm talking
20 about is public information. So you always can
21 look it up, but I'm trying to give you the
22 Cliff Notes here. The Town of Patterson has a
23 problem about the potential traffic impacts
24 that people are cutting through on that Pugsley
25 Road, and we have a two-page letter from the

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2 town supervisor telling us to take a hard look
3 at it. He wasn't comfortable with it.

4 At tonight's meeting, I received a letter
5 from the applicant, which will be on file with
6 everybody, from the sheriff's department,
7 saying that he doesn't agree with the method
8 that we're proposing of the high bar. So I
9 just handed it to our town counsel to review
10 and see what -- you know, what -- our position
11 on that. Who rules that decision? I don't
12 know if it's a planning board issue or
13 whatever. But just be aware that there's a
14 letter from the Town of Patterson saying they
15 don't want it and take a hard look at it. The
16 sheriff just gave us a letter saying that he
17 would like to -- something different. So
18 that's going to be ongoing discussion unless
19 (indiscernible.) Town counsel will help us
20 with that answer at some point. Okay.

21 At this point, I think there's still a lot
22 to digest. I'll probably have ten more
23 questions moving forward. But I do want to
24 thank Ashley and our consultants for, kind of,
25 getting us to this point. It's ongoing. And

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2 more importantly, I want to thank Victoria for
3 managing the progress. This is one of the
4 biggest projects we've had in this town in over
5 15, 20 years, and we want to make sure it's
6 done right. And she's the gatekeeper, and
7 she's done an exceptional job trying to make
8 sure everything's out there in the public in
9 the right way. She's scolded me a few times
10 over the last couple of weeks about process,
11 and I appreciate it.

12 But we just want to make sure that this is
13 fair on both sides. Not only from the
14 applicant's side, but we get a good hard look
15 and our next generation's proud of what we do.
16 And I think so far there's been a good give and
17 take. You might not all be happy, but I think
18 they have some more work to do to prove what --
19 some of these questions came out today. And
20 more importantly, I want to make sure our
21 school district's accountable here, because it
22 seems to be they're going to be the beneficiary
23 of this economic boom supposedly with the tax
24 dollars. And I want to hear from them. Okay.
25 Because we never seem to see -- get a

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2 reduction. We try to invite businesses in and
3 never seems to be a reduction. So I want to
4 hear from them, and hopefully they'll respond.
5 Okay. So I appreciate you paying attention to
6 us tonight. I think we did a pretty good job
7 starting off here.

8 And, Ashley, I believe that the ball's
9 back in their court to get back to us. I don't
10 have a timeline, unless they want to tell us
11 two weeks, three weeks. But it's -- the ball's
12 back in their court at this point. So I'm not
13 sure if you want to comment on it.

14 MR. GILPATRICK: We have a meeting at 2:00
15 tomorrow afternoon.

16 MR. LaPERCH: Okay. Fair enough. Okay.

17 So once again, thank you so much for being
18 quiet and listening to us. And we'll see --
19 look for the next meeting. Thank you very much
20 for coming.

21 (Time noted: 8:32

p.m.) 22

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C E R T I F I C

A T E 3

I, ILANA M. NATHANSON, a Certified Court Reporter and Notary Public of the State of New York, do hereby certify that the transcript of the foregoing proceedings, taken at the time and place aforesaid, is a true and correct transcription of my shorthand

notes. 11

Ilana Nathanson

ILANA M.

NATHANSON 16